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Attorneys for all Defendants served with process

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

BRADLEY C. SMITH, derivatively on behalf
of FRANKLIN CUSTODIAN FUNDS,

Plaintiff,

v.

FRANKLIN/TEMPLETON DISTRIBUTORS,
INC., HARRIS J. ASHTON, ROBERT F.
CARLSON, SAM GINN, EDITH E.
HOLIDAY, FRANK W.T. LAHAYE, FRANK
A. OLSON, LARRY D. THOMPSON, JOHN
B. WILSON, CHARLES B. JOHNSON, AND
RUPERT H. JOHNSON,

Defendants,

and

FRANKLIN CUSTODIAN FUNDS,

Nominal Defendant.

Case No. 09-4775 PJH

**[PROPOSED] ORDER EXTENDING TIME
TO RESPOND TO THE COMPLAINT
AND SETTING BRIEFING SCHEDULE**

Judge: Hon. Phyllis J. Hamilton
Courtroom: 3

[PROPOSED] ORDER

Pursuant to the Parties' Stipulation Extending Time to Respond to the Complaint and Setting Briefing Schedule filed on November 2, 2009, and for good cause having been shown, IT IS HEREBY ORDERED THAT:

1. The time by which Defendants must answer, move against, or otherwise respond to the Complaint shall be on or before December 31, 2009;
2. Plaintiff shall have thirty (30) days from the filing of any motion to dismiss by Defendant(s) to file and serve his Opposition(s) to any such motion to dismiss; and
3. Defendants shall file and serve their Reply(ies) thereto 21 days from the filing of such Opposition(s). The hearing shall be noticed no sooner than 21 days after Reply is filed.

IT IS SO ORDERED.

Dated: November 6, 2009



PROOF OF SERVICE

I certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non registered participants

On this 2nd day of November, 2009.

By: /s/Lloyd Winawer